

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS RATH, MILLS, DIXON, HARDWICK & LORIGO**

Re: Opposing the New York SAFE Act of 2013

WHEREAS, on January 14, 2013, the NY SAFE (Secure Ammunition and Firearms Enforcement) Act of 2013 was introduced to the New York State Assembly and Senate; and

WHEREAS, the New York State Senate passed the thirty-nine page overhaul of the state's gun law the same day, while the assembly considered the bill a few more hours before passing it on January 15, 2013; and

WHEREAS, the Governor signed the bill into law the same day, on January 15, 2013; and

WHEREAS, the celerity of passage of this law is remarkable for the state legislature and Governor, though lamentably not admirable in this particular instance; and

WHEREAS, although certain aspects of the law appear to be thoughtful approaches to reduce instances of gun violence involving New Yorker's, others appear to be knee-jerk reactions made without the benefit of appropriate contemplation at best, or, at worst, disingenuous fee grabs cloaked as security measures; and

WHEREAS, the Webster provision's stiffer penalties for individuals who murder first responders in the course of their duties is appropriate and overdue; and

WHEREAS, the provision protecting information about registered gun owners is an effective way to reduce information to individuals who seek to commit crimes against an individual because of his or her status as gun owner, or not having the protection provided by a gun; and

WHEREAS, the provisions addressing mental health appear to be thoughtful efforts to address individuals who may use a weapon for illegal and violent purposes; and

WHEREAS, similarly, the safe storage provisions appear to be measures to keep weapons away from individuals who are shown to be more likely to use weapons for illegal and violent purposes, as well the provisions giving judges discretion to require surrender of a weapon by a person against whom an order of protection is granted; and

WHEREAS, the provision prohibiting the possession of a gun on a school bus or on school grounds without the written authorization of the school appears to be an effective way to separate children from guns, although probably not from people who seek to use guns for illegal and violent purposes; and

WHEREAS, unfortunately, the tougher assault weapons ban is overly inclusive and ineffective at reducing gun violence by individuals who use guns legally; and

**WHEREAS, for example, the Remington 870, classic pump-action shotgun, a very common shotgun used by sportsmen, can be interpreted to fit the new definition of “assault weapon;” and**

**WHEREAS, further, unlike other provisions, this particular provision does not focus on individuals who use, or are a substantial threat to use, guns illegally and for violent purposes ; and**

**WHEREAS, also, reducing the ammunition magazine size from ten to seven does little to reduce gun violence by individuals using guns illegally, and nothing to reduce gun violence by law abiding gun owners; and**

**WHEREAS, similarly, statewide recertification of handguns does not reduce the use of guns by individuals who seek to use them illegally; and**

**WHEREAS, rather, it has the appearance of being an effort by New York State government to fill its coffers with increased fees, without providing for a mechanism to fund county clerks to accommodate the increased workload resulting from this law; and**

**WHEREAS, the Second Amendment, “A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed,” continues to be a part of the United States Constitution; and**

**WHEREAS, New York’s SAFE Act appears to contain provisions which infringe upon the Second Amendment rights of its people; and**

**WHEREAS, as such, the New York SAFE Act should be repealed, revisited, carefully considered, revised and implemented in a manner that is respectful of the Second Amendment rights of New Yorkers.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the Erie County Legislature hereby supports repeal and revision of the New York SAFE Act of 2013; and be it further**

**RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.**

**Fiscal Impact: None.**